

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE MUSEUM OF MODERN ART,

Plaintiff,

v.

MOMACHA IP LLC and MOMACHA OP LLC,

Defendants.

Case No. 1:18-cv-03364-LLS

**DECLARATION OF JAMIE A.
LEVITT IN SUPPORT OF REPLY
IN SUPPORT OF PLAINTIFF
THE MUSEUM OF MODERN
ART'S MOTION FOR
PRELIMINARY INJUNCTION**

I, JAMIE A. LEVITT, under penalty of perjury and pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney with the law firm of Morrison & Foerster LLP, counsel for Plaintiff The Museum of Modern Art ("MoMA"). I am duly licensed to practice in the courts of the State of New York. This declaration is based on my personal knowledge, unless otherwise stated, and if called as a witness I could and would testify competently to the facts stated herein.

2. I submit this declaration in support of The Museum of Modern Art's Reply in Support of Motion for Preliminary Injunction.

3. Attached hereto as **Exhibit A** is a true and correct copy of a MoMaCha Instagram post.

4. Attached hereto as **Exhibit B** is a true and correct copy of an article titled "MoMA Sues New Café and Gallery 'MoMaCha' for Trademark Violation," dated April 20, 2018.

5. Attached hereto as **Exhibit C** is a true and correct copy of a current print-out of the Trademark Status & Document Retrieval ("TSDR") page for U.S. Application Serial

No. 87/657,817 and the February 14, 2018 office action issued by the United States Patent and Trademark Office (“USPTO”).

6. Attached hereto as **Exhibit D** is a true and correct copy of a current print-out of the TSDR page for U.S. Application Serial No. 87/657,832 and the February 14, 2018 office action issued by the United States Patent and Trademark Office (“USPTO”).

7. Attached hereto as **Exhibit E** is a true and correct copy of a current print-out of the TSDR page for U.S. Application Serial No. 87/856,861.

8. Attached hereto as **Exhibit F** is a true and correct copy of the Yelp page for MoMaCha.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on May 21, 2018, in New York, New York.

By: /s/ Jamie A. Levitt
JAMIE A. LEVITT